

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WILLIAM HALL,

Plaintiff,

-vs-

WINDHAM PROFESSIONALS, INC.,

Defendant.

ANSWER

Civil Action No.: 6:15-CV-801
(LEK/TWD)

Defendant, WINDHAM PROFESSIONALS, INC. ("Defendant" or "Windham"),
by and through its undersigned attorneys, hereby alleges for its Answer to the Complaint of
Plaintiff, William Hall ("Plaintiff" or "Hall") as follows:

1. Denies the allegations contained in paragraph "1" of the Complaint.
2. Declines to admit or deny the legal conclusions set forth in paragraph "2"
of the Complaint.
3. Declines to admit or deny the legal conclusions set forth in paragraph "3"
of the Complaint.
4. Declines to admit or deny the legal conclusions set forth in paragraph "4"
of the Complaint.
5. Denies knowledge or information sufficient to form a belief as to the truth
or accuracy of the allegations contained in paragraph "5" of the Complaint.
6. Denies knowledge or information sufficient to form a belief as to the truth
or accuracy of the allegations contained in paragraph "6" of the Complaint.
7. Admits the allegations contained in paragraph "7" of the Complaint.

8. With respect to paragraph “8” of the Complaint, repeats and realleges paragraphs 1 through 7 above as though fully set forth herein.

9. Admits the allegations contained in paragraph “9” of the Complaint.

10. Denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraph “10” of the Complaint.

11. Denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraph “11” of the Complaint.

12. Admits the allegations contained in paragraph “12” of the Complaint.

13. Admits the allegations contained in paragraph “13” of the Complaint.

14. Admits the allegations contained in paragraph “14” of the Complaint to the extent that Defendant sent a letter to the Plaintiff and otherwise denies the remaining allegations contained in this paragraph of the Complaint.

15. Denies the allegations contained in paragraph “15” of the Complaint.

16. Admits the allegations contained in paragraph “16” of the Complaint.

17. Admits the allegations contained in paragraph “17” of the Complaint.

18. Admits the allegations contained in paragraph “18” of the Complaint.

19. Denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraph “19” of the Complaint.

20. Denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraph “20” of the Complaint.

21. Admits the allegations contained in paragraph “21” of the Complaint.

22. Admits the allegations contained in paragraph “22” of the Complaint.

23. Denies the allegations contained in paragraph “23” of the Complaint.

24. Denies the allegations contained in paragraph “24” of the Complaint.
25. Denies the allegations contained in paragraph “25” of the Complaint.
26. Denies the allegations contained in paragraph “26” of the Complaint.
27. Denies the allegations contained in paragraph “27” of the Complaint.
28. Denies the allegations contained in paragraph “28” of the Complaint.
29. With respect to paragraph “29” of the Complaint, repeats and realleges paragraphs 1 through 28 above as though fully set forth herein.
30. Denies the allegations contained in paragraph “30” of the Complaint and each of its subparagraphs.
31. Denies the allegations contained in paragraph “31” of the Complaint.
32. With respect to paragraph “32” of the Complaint, repeats and realleges paragraphs 1 through 32 above as though fully set forth herein.
33. Denies the allegations contained in paragraph “33” of the Complaint.
34. Denies the allegations contained in paragraph “34” of the Complaint.
35. Denies the allegations contained in paragraph “35” of the Complaint.
36. Denies the allegations contained in the WHEREFORE clause of the Complaint and each of its subparagraphs.
37. Denies each and every other allegation contained in the Complaint that has not heretofore been admitted, denied or controverted.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

38. Repeats and realleges paragraphs 1 through 37 above as though fully set forth herein.

39. The Complaint fails to state a cause of action against Defendant for which relief can be granted and any claim is mitigated and avoided.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

40. Repeats and realleges paragraphs 1 through 39 above as though fully set forth herein.

41. Plaintiff failed to mitigate damages, if any.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

42. Repeats and realleges paragraphs 1 through 41 above as though fully set forth herein.

43. If there were FDCPA violations as alleged by the Plaintiff, Hall, Windham's actions were non-intentional and a bona fide error, *inter alia*.

WHEREFORE, Defendant respectfully requests that this Court issue and order (i) dismissing the Complaint in its entirety; (ii) denying, in its entirety, the relief sought in the Complaint; (iii) granting judgment in favor of the Defendant against Plaintiff for the costs, fees and expenses incurred by the Defendant with respect to the Complaint; and (iv) granting such other and further relief as this Court deems just and proper.

DATED: Buffalo, New York
August 4, 2015

HODGSON RUSS LLP
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Windham Professionals, Inc.

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